

THE FOLLOWING GREENWOOD COMMON COUNCIL RESOLUTION WILL BE INTRODUCED AT THE OCTOBER 2, 2006, MEETING, WITH FIRST READING AT THE OCTOBER 16, 2006, MEETING, AND SECOND READING AT THE NOVEMBER 6, 2006, MEETING **PLEASE NOTE THIS RESOLUTION IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED RESOLUTION PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT [CLERK@GREENWOOD.IN.GOV](mailto:CLERK@GREENWOOD.IN.GOV) FOR AN EXECUTED COPY AFTER THE SECOND READING.

**GREENWOOD COMMON COUNCIL**

**RESOLUTION NO. 06-26**

**A RESOLUTION CONFIRMING RESOLUTION 06-20, THE DECLARATION OF CERTAIN REAL PROPERTY IMPROVEMENTS FOR PROPERTY TAX ABATEMENT (BD Greenwood Development, LLC)**

WHEREAS, the City of Greenwood, Indiana, recognizes the need to stimulate growth and maintain a sound economy within its corporate limits; and

WHEREAS, the Greenwood Common Council (“Council”) further recognizes that it is in the best interest of the City of Greenwood to provide incentives to stimulate investment within the community; and

WHEREAS, Indiana Code 6-1.1-12.1-1 et. seq. provides for a program of real property tax abatement within “economic revitalization areas” (“ERAs”) and provides for the adoption of such a program; and

WHEREAS, on December 5, 2005 the Council designated an ERA by Common Council Resolution No. 05-14, hereafter “Resolution No. 05-14”; and

WHEREAS, the City of Greenwood Redevelopment Commission (“Commission”), on February 2, 1999, by Resolution 99-02, as amended by Resolution No. 1999-04, designated an area within the City’s corporate boundaries as an Economic Development Area (“EDA”) as defined by IC 36-7-14 and designated the entire EDA as an allocation area known as the Greenwood Eastside Economic Development Area; and

WHEREAS, IC 6-1.1-12.1-2(l) provides that when property is located in an ERA and is also located in an allocation area, an application for property tax deduction as provided by IC 6-1.1-12.1 may not be approved unless the commission that designated the allocation area adopts a resolution approving the application for property tax deduction; and

WHEREAS, BD Greenwood Development, LLC owns certain real estate described and shown in Exhibits “A”, and “B”, which is located within the ERA designated by the Council by Resolution No. 05-14 and within the allocation area designated by Commission Resolution No. 99-02, as amended; and

WHEREAS, BD Greenwood Development, LLC submitted its Application for Property Tax Abatement to the Commission and the Commission reviewed and approved the Application by Resolution No. 2006-06; and

WHEREAS, at previous Council meetings, the Council received evidence about whether the real estate improvements described in Exhibits “C” and “D” attached hereto, qualified for property tax deduction and declared those real property improvements for property tax abatement by Resolution No. 06-20, adopted September 18, 2006, and fixed 7:00 p.m. on Monday, October 2, 2006, in the Council Chambers, City Building, 2 North Madison Avenue, Greenwood, Indiana, for a final public hearing for the purpose of receiving any remonstrance or objections from any person affected by the abatement of the real property taxes for the real estate improvements located in the area legally described and shown on Exhibits “A” and “B”; and

WHEREAS, proper legal notice was published indicating the adoption of the declaratory resolution, Resolution No. 06-20, and stating when and where the public hearing would be held; and

WHEREAS, at such public hearing, any and all additional evidence and testimony along with any and all remonstrances and objections presented were considered, and such additional evidence and testimony either confirmed the Council's determination that the said real estate improvements qualified for property tax abatement or did not refute that determination.

NOW, THEREFORE, BE IT RESOLVED BY THE GREENWOOD COMMON COUNCIL THAT:

Section 1. The Greenwood Common Council hereby takes "final action" as that phrase is contemplated in IC 6-1.1-12.1 *et seq.* with regard to (1) the request for real property tax abatement of BD Greenwood Development, LLC and (2) the adoption of Greenwood Common Council Resolution No. 06-20 on September 18, 2006.

Section 2. The Greenwood Common Council hereby confirms certain findings made with Resolution No. 06-20 and makes such additional findings and determinations as follows:

1. That said-described property is located within the jurisdiction of the Greenwood Common Council for purposes set forth in IC 6-1.1-12.1-2; and
2. That this Council has determined, based on the information provided by the applicant and other evidence before the Council, that the site has become undesirable for or impossible of normal development and occupancy inasmuch as normal development and growth did not occur in the area during the past ten (10) years without additional financial incentives; and
3. That the improvement of the real estate described herein would be of public utility and would be to the benefit and welfare of all citizens and taxpayers of the City of Greenwood; and
4. That the subject real estate is zoned I-1 Light Industrial use according to the City of Greenwood Zoning Map; and
5. That the Statement of Benefits Real Property (SB – 1 /RE) form filed on July 31, 2006, by BD Greenwood Development, LLC is in acceptable form and complies with the standards set forth in Resolution No. 06-20; and
6. The estimate of the value of the redevelopment is reasonable for projects of that nature.
7. The estimate of the number of individuals who will be employed can be reasonably expected to result from the proposed described redevelopment.
8. The estimate of the annual salaries of the individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment.
9. The number of individual opportunities for employment, both temporary and permanent, and the compensation to be paid to employees, along with the value of the acquisition and construction of improvements, create benefits of the type and quality anticipated by the Greenwood Common Council within the ERA and can reasonably be expected to result from the proposed described redevelopment.
10. The totality of benefits is sufficient to justify the deductions.

Section 3. The area legally described and shown on the attached Exhibits "A" and "B" is within a designated ERA in the City of Greenwood.

Section 4. The deductions allowed within the said ERA shall be as allowed under IC 6-1.1-12.1-3 for ten (10) years with respect to the real property improvements which are developed in substantial compliance with the projections and plans set forth in Exhibits “C”, Application for Property Tax Abatement, and “D”, Statement of Benefits, to Resolution No. 06-20.

Section 5. The economic revitalization area designation terminates ten (10) years after December 5, 2005. However, this termination does not limit the period of time the applicant or successor owner is entitled to receive a partial abatement of property taxes relative to redevelopment or rehabilitation activities completed before the date the ERA designation is terminated.

Section 6. The President of the Council is hereby authorized to complete and execute BD Greenwood Development, LLC’s Statement of Benefits Real Estate (SB – 1 / RE) form consistent with this Resolution.

Section 7. Two (2) copies of Exhibits “A” and “B” which legally describe and show the subject real estate, are on file in the office of the Clerk-Treasurer of Greenwood, Indiana, and the Common Council directs the Clerk-Treasurer to maintain for public inspection two (2) copies of said Exhibits “A” and “B” in the files of the Clerk-Treasurer.

Section 8. A certified copy of this Resolution shall be sent to the Johnson County Auditor.

Section 9. The Council hereby confirms Resolution No. 06-20 adopted September 18, 2006 and thus approves property tax abatement as provided herein for the real estate described and shown on Exhibits “A” and “B”.

Section 10. The sections, paragraphs, sentences, clauses and phrases of this Resolution are separable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.

Section 11. This Resolution shall be effective immediately upon its passage, subject to the appeal proceedings through court action contemplated by IC 6-1.1-12.1-2.5.

Adopted by the Common Council of Greenwood, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Ronald Bates, President  
Greenwood Common Council

FOR:

AGAINST:

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ATTEST:

\_\_\_\_\_  
Jeannine Myers, Clerk-Treasurer

The foregoing Resolution passed by the Common Council of the City of Greenwood, Indiana, on the \_\_\_\_ day of \_\_\_\_\_, 2006 is presented by me this \_\_\_\_ day of \_\_\_\_\_, 2006 at \_\_\_\_\_ o'clock \_\_\_\_\_.m. to the Mayor of the City of Greenwood.

\_\_\_\_\_  
Jeannine Myers, Clerk-Treasurer

The foregoing Resolution passed by the Common Council of the City of Greenwood, Indiana, on the \_\_\_\_ day of \_\_\_\_\_, 2006 is signed and approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006 at \_\_\_\_\_ o'clock \_\_\_\_\_.m. to the Mayor of the City of Greenwood.

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CHARLES E. HENDERSON, Mayor of the  
City of Greenwood, Indiana